



I Am a U.S. Citizen

How Do I...

Immigrate an Adopted or Prospective Adopted Child or Help My Adopted Child Become a U.S. Citizen or U.S. Permanent Resident?



U.S. Citizenship
and Immigration
Services

M-556 (August 2008)

A3 Customer Guide

This consumer guide explains two different ways to immigrate an adopted child from overseas, or an orphan who is ready to be adopted in the United States, as a legal permanent resident or to become a U.S. citizen.

The first way is through the orphan adoption program. This requires filing an **I-600A**, *Application for Advance Processing of Orphan Petition*, and **I-600**, *Petition to Classify Orphan as an Immediate Relative*. The second way is through immediate relative processing by filing an **I-130**, *Petition for Alien Relative*. The two methods of adoption are separate and cannot be combined.

Who is an orphan?

To be considered an orphan under U.S. immigration law, a child must meet very specific conditions:

- Be a foreign-born child without any parents because both parents have died or disappeared, abandoned or deserted the child, or because of separation from or loss of both parents; or
- Be a foreign-born child with a sole or surviving parent who is unable to provide for the child's basic needs, consistent with local standards of the foreign sending country, and who has irrevocably released the child (in writing) for emigration and adoption.

Who can file an orphan petition?

You must be a U.S. citizen and, if unmarried, be at least 25 years old prior to filing Form I-600. You may file Form I-600A at age 24. If you are married, you and your spouse must go through the immigration and adoption process together. You must meet the processing requirements, which are designed to protect the orphan. For example, each adult member (18 years of age) of your household will need to be fingerprinted, and we will conduct background and criminal checks on all household members. A "home study" or home visit will also be required by a licensed adoption agency or a home study agency.

How do I apply for orphan petition processing?

We offer the following two options to apply:

- **Option 1: You have not yet identified a child for adoption, but want to start the process.** Getting your home study completed, documents, background and criminal checks, and our review of your eligibility often takes the most time. Option 1 allows you to complete these steps early by using our two-step process below.
 1. Step one is to file Form I-600A. The I-600A focuses on your suitability as adoptive parent(s). Please note that USCIS cannot approve the application for advanced processing using I-600A until after the home study has been approved and forwarded to us by the home study preparer. After an I-600A application for advanced processing is approved and you identify a child for adoption, you are ready to begin the next step.
 2. The second step is to file Form I-600. Form I-600 focuses on the child's situation and eligibility as an orphan. Once we approve the I-600, we will notify the U.S. Embassy or consulate so they can issue the child a visa to come to the United States. If you plan on traveling abroad to identify an orphan to adopt, we strongly recommend that you file your I-600A application for advanced processing and wait for it to be approved **before** you travel. The forms are available on our website at www.uscis.gov.
- **Option 2: You want to wait to start the process until after you have identified a child to adopt.** While this is a one-step process, it means the procedures that often take the most time, such as the home study, background and criminal checks, and our review, must be done while the child waits overseas. Once we approve the I-600, we will notify the U.S. Embassy or consulate so they can issue a visa for the child to come to the United States. If you plan on traveling abroad to find the orphan you wish to adopt, we strongly recommend that you file an I-600A application for advanced processing and wait for it to be approved **before** you travel. The forms are available on our website at www.uscis.gov.

How old can an orphan be and still be eligible under this program?

Adoptions that are **not** processed through the orphan program must be completed before the child is 16 years old in order for the child to obtain any benefits as a child under immigration law. If you adopt through the orphan program, the I-600 must be properly filed before the child turns 16 years old.

The only exception to this provision is if the child being adopted is the biological brother or sister of a child that you have already adopted. In this case, the sibling adoption must be completed before that child turns 18 years old.

What happens after the Form I-600 orphan petition is approved?

After the I-600 is approved, we will notify the U.S. Embassy or consulate so they can issue the proper visa for the child to enter the United States. After the I-600 is approved, you can travel overseas and complete the adoption there, or you can bring the orphan to the United States and complete the final adoption here. Regardless of whether or not you complete the adoption overseas, the U.S. Embassy or consulate will issue the child an immigrant visa, and the child will enter the United States as a permanent resident.

- If you complete the final adoption before the child enters the United States, and you and your spouse have personally seen the orphan prior to or during the adoption proceedings abroad, then the child will automatically become a U.S. citizen when admitted with the immigrant visa. The child will be automatically processed to receive a Certificate of Citizenship instead of a Permanent Resident Card.
- If you wait to complete the final adoption in the United States, the child will become a permanent resident when admitted with the immigrant visa. The child will automatically become a U.S. citizen as long as you finalize the adoption and apply for Certificate of Citizenship before the child turns 16 years old. After you finalize the adoption, you can apply for a Certificate of Citizenship for your newly adopted child using **Form N-600, Application for Certification of Citizenship**. Filing instructions and forms are available on our website at **www.uscis.gov**.

Who can file an immediate relative petition on behalf of an adopted child?

If you adopt a child, but did not go through the orphan adoption process, then the child is considered to be your child for immigration purposes when you meet the following requirements:

- The adoption must be finalized before the child turns 16 years old (or 18 if you also adopted a biological sibling of the child before the sibling was 16 years old); and
- The child must have lived with you for at least 2 years, either before or after adoption; and
- The child must have been in your legal custody for at least 2 years, either before or after adoption.

How can my adopted child become a U.S. citizen?

Once your adopted child qualifies as your child for immigration purposes, you can file an I-130 relative petition. Your adopted child will automatically become a U.S. citizen if the child becomes a permanent resident and the adoption is completed and a Form N-600 is filed before the child reaches 16 years of age. If your adopted child turns 18 years old before he or she becomes a

permanent resident, then your child may apply for naturalization using **Form N-400, Application for Naturalization**, after being a permanent resident for 5 years. Filing instructions and forms are available on our website at **www.uscis.gov**.

For more information about immigration processing for orphans, adopted and prospective adoptive children, and about adopting children from other countries, please see our manual **M-249, The Immigration of Adopted and Prospective Adoptive Children**. It is available on our website, or by calling Customer Service at **1-800-375-5283**. Many State and local government social service agencies also provide information and assistance to anyone interested in adopting a child.

When **all** of these requirements have been met, you can file **Form I-130, Petition for Alien Relative**, for the child. See customer guide **A1, I Am a U.S. Citizen...How Do I...Help My Relative Become a Permanent Resident of the United States?**, for more information about relative petitions. Form I-130 can be filed with a USCIS Service Center having jurisdiction over the petitioner's place of residence. Please refer to the instructions on Form I-130 for mailing addresses.

Key Information

Key USCIS forms referenced in this guide	Form #
Petition for Alien Relative	I-130
Application for Advance Processing of Orphan Petition	I-600A
Petition to Classify Orphan as an Immediate Relative	I-600
Application for Certification of Citizenship	N-600
The Immigration of Adopted and Prospective Adoptive Children	M-249
Application for Naturalization	N-400

USCIS

• On the Internet at: **www.uscis.gov**

For more copies of this guide, or information about other citizenship and immigration services, please visit our website. You can also download forms, e-file some applications, check the status of an application, and more. It's a great place to start!

If you don't have Internet access at home or work, try your local library. If you cannot find what you need, please call Customer Service.

• Customer Service: **1-800-375-5283**

• Hearing Impaired TDD Customer Service: 1-800-767-1833

Other U.S. Government Services—Click or Call

General Information	www.usagov.gov	1-800-333-4636
New Immigrants	www.welcometoUSA.gov	
U.S. Dept. of State	www.state.gov	1-202-647-6575

Disclaimer: This guide provides basic information to help you become generally familiar with our rules and procedures. For more information, or the law and regulations, please visit our website. Immigration law can be complex, and it is impossible to describe every aspect of every process. You may wish to be represented by a licensed attorney or by a nonprofit agency accredited by the Board of Immigration Appeals.